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EXAMINER

MOUTTET, BLAISE L

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,619

Applicant(s)

BAIGES, IVAN J.

Examiner

Blaise L Mouttet

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6, 8-14, 18-28, 30-33 and 35-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Yashima et al. US 6,164,747.

Yashima et al. discloses, regarding claims 1, 19 and 20, a printing system for depositing marking fluid on print media (column 16, lines 42-45) comprising:

a first marking engine/printhead assembly (31A) for depositing a first marking fluid only on a first portion of a first side of the print media as shown and described in relation to figure 10;

a second marking engine/printhead assembly (31B) for depositing a second marking fluid only on a second portion of a first side of the print media different from the first portion as shown and described in relation to figure 10,

wherein the first marking engine (31A) and the second marking engine (31B) are adapted to move back and forth across the print media while depositing the respective

first and second marking fluid on the respective first and second portions of the media (column 16, lines 42-56).

Regarding claims 2 and 19, the printing system further includes

a first mechanism (32-34) coupled to the first marking engine (31A) for moving the first marking engine (31A) back and forth across the print media so that the first marking engine (31A) can deposit the first marking fluid only on the first portion of the print media as shown and described in relation to figure 10; and

a second mechanism (32-34) coupled to the second marking engine (31B) for moving the second marking engine (31B) back and forth across the print media so that the second marking engine (31B) can deposit the second marking fluid only on the second portion of the print media as shown and described in relation to figure 10.

Regarding claim 3, the mechanisms are spaced apart as indicated in figure 10.

Regarding claim 4, the mechanisms employ identical structure as shown and described in relation to figure 10.

Regarding claim 5, the mechanisms each include:

a linear guide rod (32) for guiding the respective marking engines (31A, 31B);

a drive motor (33); and

a drive element (34) coupled between drive motor (33) and the marking engines (31A, 31B) linearly moving the respective engines along the guide rods (32) back and forth across the media as shown and described in relation to figure 10.

Regarding claims 6 and 33, the print media is shorter in the print scan direction than in the media feed direction.

Regarding the functional language of claims 8 and 21-24, the mechanisms are taught to operate in unison (column 17, lines 10-23).

Regarding the functional language of claims 9 and 25-28, the mechanisms are taught to operate independently (column 17, lines 24-27).

Regarding claim 10, identical marking fluids are taught to be contained in the respective marking engines in the case of monochrome printing (column 16, lines 9-13).

Regarding claim 11, different marking fluids are taught to be contained in the respective marking engines in the case of color printing (column 17, lines 30-34).

Regarding claim 12, identical marking engines (31A, 31B) are disclosed as shown and described in relation to figure 1.

Regarding claim 13, single color (black) printheads are taught for each marking engine (column 16, lines 9-14).

Regarding claim 14, multicolor printheads are taught for each printing engine (column 17, lines 30-34).

Regarding claim 18, thermal ink ejection is utilized (column 10, lines 15-26).

Regarding the arrangements of the first and second mechanisms as specified in claims 35-40, the mechanisms are adapted to function as claimed as shown and described in relation to figure 10.

Yashima et al. discloses, regarding claim 30, a method for performing a printing operation for depositing ink on print media, the method comprising:

providing a first movable printhead assembly (31A) for depositing ink (column 16, lines 42-47);

providing a second movable printhead assembly (31B) for depositing ink (column 16, lines 42-47); and

moving the first and second printhead assemblies back and forth across the print media while the first printhead assembly deposits ink only on a first portion of a first side of the print media and the second printhead assembly deposits ink only on a second portion of the first side of the print media different from the first portion (figure 10, column 20, lines 43-52).

Regarding claim 31, Yashima et al. teaches the inclusion of a step of moving the printheads in unison (column 20, lines 43-52).

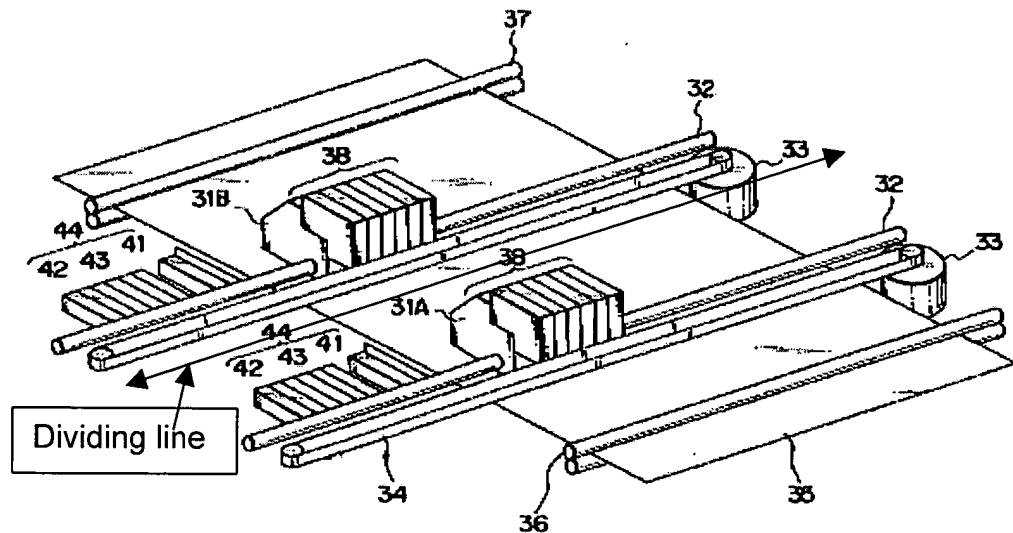
Regarding claim 32, Yashima et al. teaches the inclusion of a step of moving the printheads independently (column 20, lines 33-43).

Regarding claim 41, the printhead assemblies are moved back and forth across the print media in a first direction and the printhead assemblies are spaced apart in a direction perpendicular to the first direction as indicated in figure 10 and column 20, lines 43-52.

Regarding claim 42, moving of the printhead assemblies is performed such that during the steps described in column 20, lines 43-52 printhead assembly 31A deposits ink only on one side of a dividing line and printhead assembly 31B deposits ink only on the other side of a dividing line.

Regarding claim 43, moving of the printhead assemblies is performed and the assemblies are spaced apart as shown and described in relation to figure 10.

FIG. 10



2. Claims 1-5, 8, 9, 12, 15, 19-29 and 35-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Sette et al. US 6,318,840.

Sette et al. discloses, regarding claims 1, 19 and 20, a printing system for depositing marking fluid on print media (14) comprising:

a first marking engine/printhead assembly (110) for depositing a first marking fluid only on a first portion (A) of a first side of the print media (14) (figure 1, column 4, lines 43-47, column 5, lines 56-58, column 6, lines 63-66); and

a second marking engine/printhead assembly (120) for depositing a second marking fluid only on a second portion (B) of a first side of the print media (14) different from the first portion (figure 1, column 4, lines 43-47, column 5, lines 56-58, column 6, lines 63-66),

wherein the first marking engine (110) and the second marking engine (120) are adapted to move back and forth across the print media while depositing the respective first and second marking fluid on the respective first and second portions of the media (column 7, lines 26-35).

It is noted by the examiner that the teaching in column 7, lines 26-35 of Sette et al. clearly disclose that the marking engines are “adapted” to move back and forth as claimed even though the travel distance is taught to be limited. Apparatus claims must be distinguished from the prior art in terms of **structure** rather than **function**. See MPEP 2114 regarding a discussion of case law on this point.

Regarding claims 2 and 19, the printing system further includes
a first mechanism (72, 150, 154) coupled to the first marking engine (110) for moving the first marking engine (110) back and forth across the print media (14) so that the first marking engine (110) can deposit the first marking fluid only on the first portion of the print media as shown and described in relation to figure 1; and

a second mechanism (76, 160, 164) coupled to the second marking engine (120) for moving the second marking engine (120) back and forth across the print media (14) so that the second marking engine (120) can deposit the second marking fluid only on the second portion of the print media as shown and described in relation to figure 1.

Regarding claim 3, the mechanisms are spaced apart as indicated in figure 1.

Regarding claim 4, the mechanisms employ identical structure as shown and described in relation to figure 1.

Regarding claim 5, the mechanisms each include:

a linear guide rod (72, 76) for guiding the respective marking engines (110, 120);
a drive motor (150, 160); and
a drive element (154, 164) coupled between drive motor (150, 160) and the marking engines (110, 120) linearly moving the respective engines (110, 120) along the guide rods (72, 76) back and forth across the media (14) as shown and described in relation to figure 1.

Regarding the functional language of claims 8 and 21-24, the mechanisms are taught to operate in unison (figure 3, column 7, lines 7-16).

Regarding the functional language of claims 9 and 25-28, the mechanisms are taught to operate independently (column 7, lines 16-22).

Regarding claim 12, identical marking engines (110, 120) are disclosed as shown and described in relation to figure 1.

Regarding claim 15, each of the marking engines (110, 120) have associated print heads (210, 220).

Regarding claim 29, the third mechanism is shown as elements (80, 170, 174) carrying third printhead assembly (130) for printing on a third portion (C) which is capable of being printed during scanning of the assembly (130) across the print media as shown and described in relation to figure 1.

Regarding the arrangements of the first and second mechanisms as specified in claims 35-40, the mechanisms are **adapted to** function as claimed as shown and described in relation to figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sette et al. US 6,318,840 in view of Broschart US 5,730,049.

Sette et al. discloses the claimed invention including a specification of arrangements for accommodating a small dimension print media (column 6, lines 50-62).

Sette et al. fails to disclose that the size of the media is smaller along the print scan axis than the media feed axis.

Broschart suggests printing on media wherein the size of the media is smaller along the print scan axis than the media feed axis (figure 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a print media arranged in a manner as suggested by Broschart in the printing system of Sette et al.

The motivation for doing so would have been to achieve the adaptability described in column 6, lines 50-62 of Sette et al. for a variety of paper sizes.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sette et al. US 6,318,840 in view of Logan US 4,910,871.

Sette et al. discloses the claimed invention including a specification of arrangements for accommodating a large dimension print media (column 6, lines 37-49).

Sette et al. fails to disclose that the size of the media is larger along the print scan axis than the media feed axis.

Logan suggests printing on media wherein the size of the media is larger along the print scan axis than the media feed axis (figure 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a print media arranged in a manner as suggested by Logan in the printing system of Sette et al.

The motivation for doing so would have been to achieve the adaptability described in column 6, lines 37-49 of Sette et al. for a variety of paper sizes.

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sette et al. US 6,318,840 in view of Simon et al. US 5,428,375.

Sette et al. discloses plural printheads for each marking engine (column 5, lines 56-67).

Sette et al. fails to disclose that the printheads print different colors.

Simon et al. discloses supplying different color inks to each one of a plurality of different printheads (column 3, lines 59-61).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide different color inks to each of the printheads for each marking engine of Sette et al. as suggested by Simon et al.

The motivation for doing so would have been to provide multicolor printing.

6. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yashima et al. US 6,164,747 in view of Logan US 4,910,871.

Yashima et al. discloses the claimed invention except that the size of the media is larger along the print scan axis than the media feed axis.

Logan suggests printing on media wherein the size of the media is larger along the print scan axis than the media feed axis with an inkjet printer (figure 1, column 4, lines 45-63).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a print media arranged in a manner as suggested by Logan in the printing system of Yashima et al.

The motivation for doing so would have been to achieve printing on different paper sizes as suggested by Logan.

Response to Arguments

7. The examiner has considered applicant's arguments submitted April 23, 2003 in light of the amended claims and agrees that the prior rejections have been overcome.

However the amendments have necessitated further searching and consideration of the prior art resulting in the new rejections contained above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet whose telephone number is (703) 305-3007. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams, Art Unit 2853, can be reached at (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet May 21, 2003

Bm 5/21/2003


JUDY NGUYEN
PRIMARY EXAMINER